

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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(240) 777-6600

Case No. S-2746

PETITION OF IVYMOUNT SCHOOL, INC.

OPINION OF THE BOARD

(Opinion Adopted October 7, 2009)

(Effective Date of Opinion: October 30, 2009)

Case No. S-2746 is an application for a special exception, under Section 59-G-2.19 for a private educational institution to be operated as an annex to the school's main campus, in an existing structure. The Hearing Examiner for Montgomery County held a public hearing on the application on June 15, 2009, closed the record in the case on September 10, 2009, and on September 25, 2009 issued a Report and Recommendation for approval of the special exception.

The subject property is Lot 1, Block 4, Regency Estates Subdivision, located at 11616 Seven Locks Road, Rockville, Maryland, 20854, in the R-90 Zone.

Decision of the Board: Special Exception **Granted** Subject to
the Conditions Enumerated Below.

The Board of Appeals considered the Report and Recommendation at its Worksession on October 7, 2009. After careful consideration and review of the record in the case, the Board adopts the Report and Recommendation and grants the special exception subject to the following conditions:

1. Petitioner shall be bound by all of its testimony and exhibits of record, including the final Site Plan, Exhibits 47(b) through (e), and the final Landscape Plan, Exhibits 47(h) through (j), and by any representations made by Petitioner's counsel that are identified in this report or in the Board's Opinion in this matter.
2. This special exception permits the holder to use the subject property as an annex to the Ivymount School, located on the adjacent property to the south at 11614 Seven Locks Road. If the Ivymount School ceases to operate at 11614 Seven Locks Road, the special exception for the subject site, 11616 Seven Locks Road, will automatically expire. The holder of the special exception is directed to notify the Board of Appeals and the Department of Permitting

Services in writing, within 30 days, if the Ivymount School ceases to operate at 11614 Seven Locks Road.

3. Occupancy of the special exception site shall be limited to a maximum of 40 students and 20 employees on site at one time.
4. Hours of operation are limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, eleven months per year, except that special events may be held in the evenings or on weekends no more than once a month during the 11-month school year.
5. The only vehicular trips permitted to occur on a regular basis to or from the special exception site are vehicles taking students to and from job sites. All deliveries must take place on the main Ivymount campus. All morning drop-offs and afternoon pick-ups of students taking place during Ivymount's peak drop off and pick up periods must occur on the main Ivymount campus. Before the special exception can take effect, the Site Plan must be amended to remove the last sentence under General Note 12, which reads: "The parking spaces in front of the Ivymount Annex primarily will be used for the drop off and pick up of students that would use the accessible ramp."
6. All exterior renovations and additions to the existing building must be made with materials that will be compatible with the residential character of the neighborhood, as shown on Exhibit 5(f).
7. No signage is permitted.
8. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits or a use-and-occupancy permit, necessary to implement the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and facility comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

On a motion by Stanley B. Boyd, seconded by Walter S. Booth, with Carolyn J. Shawaker and Catherine G. Titus, Chair, in agreement and David K. Perdue, Vice-Chair, necessarily absent:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Catherine G. Titus
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 30th day of October, 2009.

Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

See Section 59-A-4.53 of the Zoning Ordinance regarding the twenty-four months' period within which the special exception granted by the Board must be exercised.